


EXHIBIT A

Search Notes 	Application/Control No. 13631169	Applicant(s)/Patent Under Reexamination VALENTINE, STEPHEN G.
	Examiner YONG ZHOU	Art Unit 2477

CPC- SEARCHED		
Symbol	Date	Examiner
G08G1/0104 G08G1/0968 H04L45/12 H04L45/121 H04L45/26 H04L45/66 H04L47/125	4/16/2014	YZ

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor search in PALM	4/16/2014	YZ
Inventor search in EAST, see search history printout	4/16/2014	YZ
Admitted reference search	4/16/2014	YZ
EAST classification search (USPC 370, CPC G08G H04L) combined with keyword search; text search only	4/17/2014	YZ

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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Appl. No. 13/631,169

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Application No. : 13/631,169 Confirmation No. 9603
Filed : September 28, 2012
Inventor(s): : Stephen G. Valentine
Group Art Unit : 2477
Examiner : Yong Zhou
Docket No. : 811155-US-NP (14219.0322)
:
Title : METHOD AND APPARATUS FOR COMMUNICATION
PATH SELECTION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450.

AMENDMENT

Sir:

In response to the Office Action of April 22, 2014, please amend the
above-identified application as follows.

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Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of selecting for a communication group a communication path from a source node to a destination node through a network comprising a plurality of contiguous communication paths, the method comprising:

determining $V \bmod N$,

comparing ~~the~~ a result of the determining to indices on a path selection table that associates $a[[n]]$ unique index with each of the plurality of communication paths, and

selecting ~~the~~ a path associated with an index equal to the result, wherein N is ~~the~~ a number of paths in the plurality of communication paths and V is a group identifier.

2. (Original) The method of claim 1, wherein the communication group is a VLAN.

3. (Original) The method of claim 2, further comprising assigning the identifier to the VLAN.

4. (Original) The method of claim 1, wherein the communication group comprises a plurality of VLANs.

5. (Original) The method of claim 1, wherein the method is performed by a processor of the source node and the table is stored on a memory device assessable by the processor.

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6. (Original) The method of claim 1, further comprising ordering the paths by bridge identifier prior to associating the paths with indices in the path selection table.

7. (Original) The method of claim 1, further comprising determining how many paths N exist between the source node and the destination node.

8. (Original) The method of claim 1, further comprising storing the selected path in the path selection table.

9. (Original) The method of claim 1, wherein the plurality of communication paths are EHEC paths.

10. (Original) The method of claim 1, further comprising forwarding data traffic received at the source node toward the destination node along the selected path.

11. (Currently Amended) A network node, comprising a processor and a non-signal memory device, the memory device comprising program instructions that when executed enable:

determining $V \bmod N$,

comparing ~~the a~~ result of the determining to indices on a path selection table that associates a[[n]] unique index with each of the plurality of communication paths, and

selecting ~~the a~~ path associated with an index equal to the result, wherein N is ~~the a~~ number of paths in the plurality of communication paths and V is a group identifier.

12. (Currently Amended) The network node of claim 11-10, further comprising a plurality of ports for network communication.

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13. (Currently Amended) The network node of claim 11~~10~~, further comprising a VLAN table for storing an identifier associated with one or more VLANs.

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Remarks

I. Introduction

This is in response to the Office Action dated April 22, 2014.

The Office Action objected to claims 12 and 13 due to informalities.

The Office Action rejected claims 1-7 and 9-12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2011/0063979 to Matthews et al. (hereinafter "Matthews").

The Office Action rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Matthews, in view of U.S. Patent No. 6,400,681 to Bertin et al. (hereinafter "Bertin").

The Office Action rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Matthews, in view of U.S. Patent Application No. 2009/0304007 to Tanaka et al. (hereinafter "Tanaka").

Claims 1 and 11-13 have been amended. No new matter has been added. Claims 1-13 remain for consideration. Claims 1 and 11 are independent.

II. Claim Objections

The Office Action objected to claims 12 and 13. Specifically, the Office Action contends that claims 12 and 13 recite a "network node," however depend from a method claim. Claims 12 and 13 have been amended to correct a typographical error. Withdrawal of this objection is respectfully requested.

III. Rejection of Claims under 35 U.S.C. § 102(b) and 103(a)

The Office Action rejected claims 1-7 and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Matthews. In order for a claim to be anticipated under 35 U.S.C. §102, ***each and every limitation*** of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte

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Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Matthews does not show each and every limitation of independent claims 1 and 11. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §102(b).

Amended claim 1 recites the following:

determining $V \bmod N$,
comparing a result of the determining to
indices on a path selection table that associates a
unique index with each of the plurality of
communication paths, and
selecting a path associated with an index equal
to the result, wherein N is a number of paths in the
plurality of communication paths and V is a group
identifier.

Claim 11 includes similar elements. The cited reference fails to teach or suggest at least these elements of claims 1 and 11.

The Office Action cites Matthews in the present rejection. Matthews relates to “network traffic management.” (Matthews; title). Specifically, the Office Action cites paragraphs [0025], [0031] and [0032] of Matthews. However, the cited portions of Matthews do not teach or suggest at least, “comparing a result of the determining to indices on a path selection table that associates a unique index with each of the plurality of communication paths, and selecting a path associated with an index equal to the result, wherein N is a number of paths in the plurality of communication paths and V is a group identifier,” as in claims 1 and 11.

In particular, while the cited portions of Matthews may mention a modulus operation, the modulus operation is merely performed on a hash value to obtain a path ID. However, the cited portions of Matthews do not compare the path ID “to indices on a path selection table” or “select the path associated with an index

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equal to” the path ID.” Rather, the path ID in Matthews identifies the selected path itself. Paragraph [0031] of Matthews explains this as follows: the path ID “indicate[s] a path via which the packet 200 will travel to reach its destination.” As such, there would be no need to “compar[e]” the path ID or “select[] the path” in Matthews, since the path ID already indicates the selected path.

It is noted that while paragraph [0031] of Matthews may mention comparing an index number to a table, there is no teaching or suggestion of comparing the *path ID* to the table. That is, Matthews does not compare the “result of the determining” of the $V \bmod N$ with the table. There is no teaching or suggestion in Matthews that the index number is a result of a $V \bmod N$ operation. Matthews is silent with regards to the path ID being the same as the index number.

Therefore, for at least the reasons discussed above, all independent claims are allowable over the cited art. Allowance of all independent claims is requested. All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable. Reconsideration and withdrawal of the rejections of claims under 35 U.S.C. § 102(b) and 103(a) is respectfully requested.

IV. No New Matter has Been Added

Claims 1 and 11-13 have been amended for clarity. No new matter has been added.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is

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insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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